



US Army Corps
of Engineers
St Paul District

APPLICANT: Minnesota
Department of
Transportation
District 3

Public Notice

ISSUED: October 16, 2001
EXPIRES: November 15, 2001

REFER TO: 02-00025-GAE

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO grade and fill portions of six wetland basins and a segment of Green Lake Brook to facilitate the reconstruction and realignment of approximately 3 miles of Trunk Highway (TH) 47, extending from County State Aid Highway (CSAH) 1 northward to TH 95 at Pine Brook, Minnesota. The project would impact a total of 6.56 acres of wetland and waterway and consist of grading the surface of the existing roadway, paving shoulders, and realigning the highway at several locations. An existing bridge would be replaced and two box culverts would be placed in Green Lake Brook to accommodate the realignment of TH 47. The proposed project would improve driving conditions along this segment of highway by widening the roadway and providing turning lanes.

As mitigation for the wetland to be lost as a result of this project, the applicant proposes to restore 2.91 acres of wet meadow (Type 2) wetland on-site by removing a portion of TH 47 that would be abandoned after the new roadway is constructed. The restoration work would consist of removing the abandoned roadbed from the wetland and seeding the disturbed area with a wet meadow seed mixture to encourage the revegetation of the site. In addition to this mitigation work, the applicant proposes to withdraw 4.41 acres of shallow marsh (Type 3) new wetland credits from its Statewide Bank at the Staples Wildlife Management Area located in Todd County. This bank has been approved and certified by the Minnesota Board of Water and Soil Resources and the St. Paul District, Corps of Engineers.

2. SPECIFIC INFORMATION.

APPLICANT'S ADDRESS: 1991 Industrial Park Road
Baxter, MN 56425
(218) 828-2454

CONTACT: Robert Nibbe
1991 Industrial Park Road
Baxter, MN 56425
(218) 828-2454

PROJECT LOCATION: The project corridor is located in Section 6, T. 35 N., R. 24 W., Section 31, T. 36 N., R. 24 W., and Section 36, T. 36 N., R. 25 W., of Isanti County, Minnesota. The approximate UTM coordinates are Zone 15, North 5045030, East 471172.

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QUANTITY, TYPE, AND AREA OF FILL: An unknown quantity of clean granular fill material would be placed in 6.56 acres of wetland and on the bed of Green Lake Brook to facilitate the reconstruction and realignment of Trunk Highway 47.

VEGETATION IN AFFECTED AREA: The National Wetlands Inventory mapping program has classified the wetland at the impact sites as a combination of palustrine emergent and scrub-shrub wetland.

SOURCE OF FILL MATERIAL: The fill material would be obtained from on-site grading activities, local borrow sites, and commercial sources.

SURROUNDING LAND USE: Rural agricultural area.

THE FOLLOWING PRECAUTIONS TO PROTECT WATER QUALITY HAVE BEEN DESCRIBED BY THE APPLICANT: Rock riprap would be placed on the embankment slopes and at the downstream end of the two box culverts to be placed on the bed of Green Lake Brook to prevent erosion and scour of the streambank and streambed.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, Army Corps of Engineers Centre, 190 East Fifth Street, Saint Paul, MN 55101.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Gary Elftmann at the St. Paul office of the Corps, telephone number (651) 290-5355.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Isanti County is within the known or historic range of the following Federally-listed threatened species:

Species

Habitat

Bald eagle

Breeding

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

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5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because some of the wetlands to be impacted by the proposed project are adjacent to tributaries that are part of the tributary system of the Rum River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless state water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. The state Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the MPCA. If MPCA needs any additional information in order for the Section 401 application to be considered complete by MPCA, the MPCA has indicated that it will request such information from the applicant. It is the permit applicant's responsibility to ensure that the MPCA has received a valid, complete application for state Section 401 certification and to obtain a final Section 401 action from the MPCA.

The MPCA has indicated that this public notice serves as its public notice of the application for Section 401 water quality certification under Minnesota Rules Part 7001. The MPCA has also indicated that the time period provided by the Clean Water Act for it to take a final Section 401 action shall begin to commence upon the issuance date of this public notice unless the MPCA notifies both the St. Paul District and the permit applicant to the contrary, in writing, before the expiration date of this public notice.

Any comments relative to MPCA actions concerning the activity proposed in this public notice must be sent before the expiration date of this public notice period to:

Minnesota Pollution Control Agency
Metro District - Attention 401 Certification
520 Lafayette Road
St. Paul, Minnesota 55155-4194

Telephone (651) 297-8219

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer (SHPO) to determine if there are known cultural resources which may

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be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

In a letter dated September 12, 2000, SHPO indicated that the project will have no adverse effect on properties listed on or eligible for listing on the National Register of Historic Places. SHPO file number 99-1123.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a

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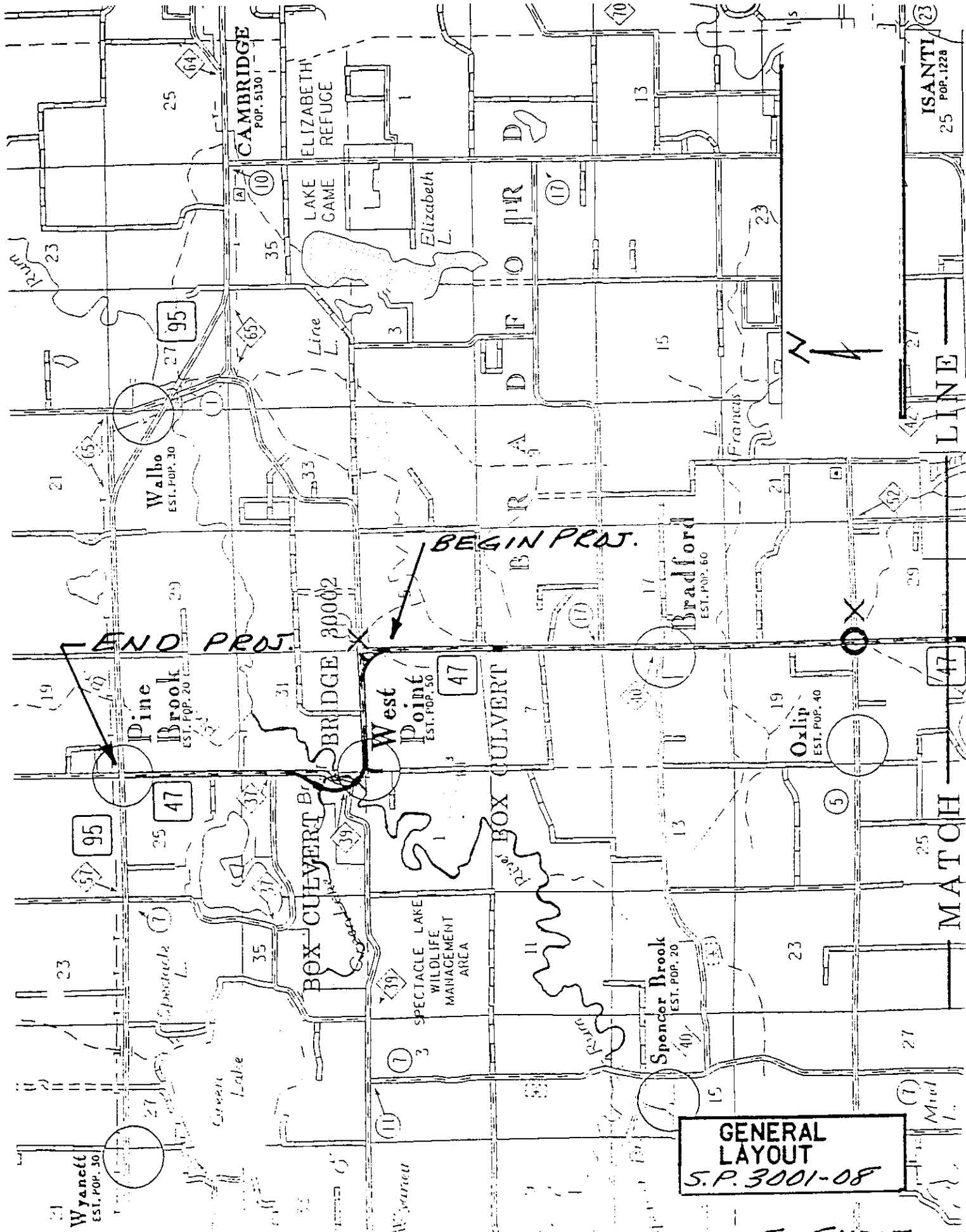
public hearing and to determine the overall public interest of the proposed activity.

Enclosures

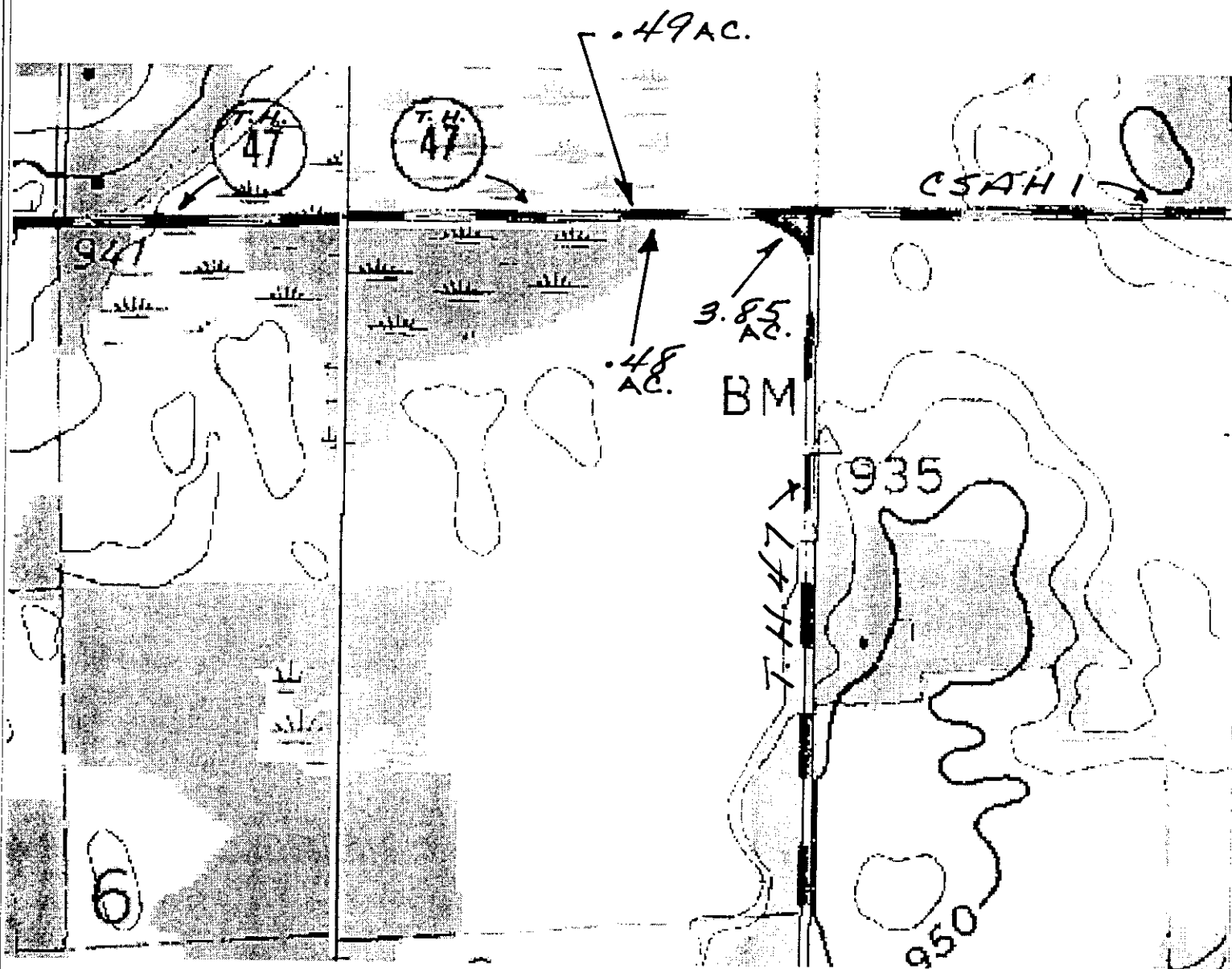


Ralph J. Augustin
Chief, Metro Permit Section

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.



GENERAL
LAYOUT
S.P. 3001-08



SCALE: 0 500 1000 ft

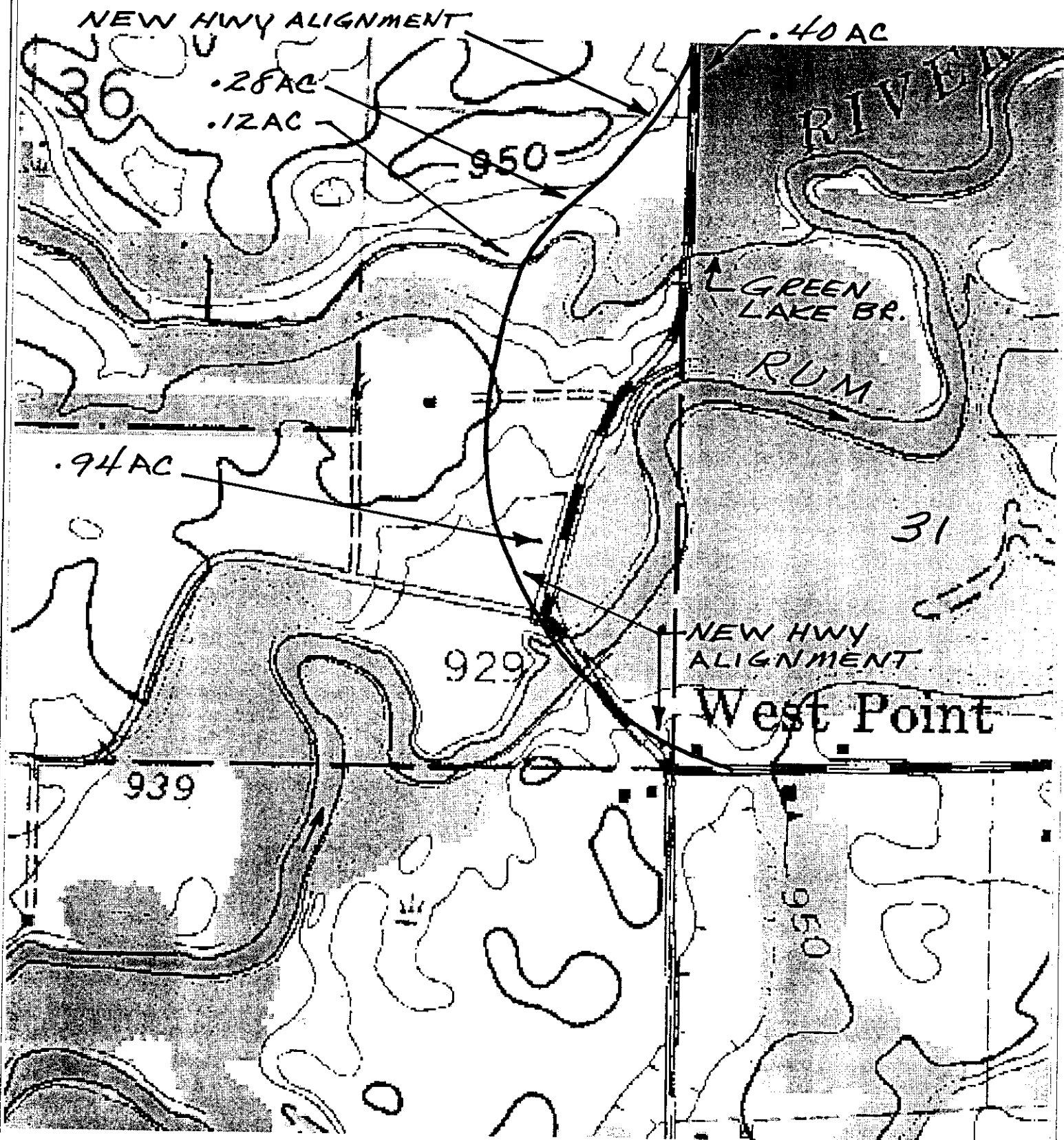
UTM: 471172
5045030



200200025
SHEET 2 OF 5

WETLAND FILL AREAS

31.36.24
6.35.24



SCALE: 0 500 1000 ft

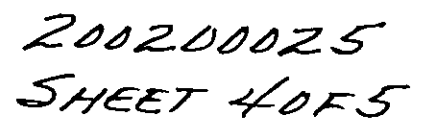


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SHEET 3 OF 5

UTM: 469422
5045277

WETLAND FILL AREAS

31.36.24
36.36.25

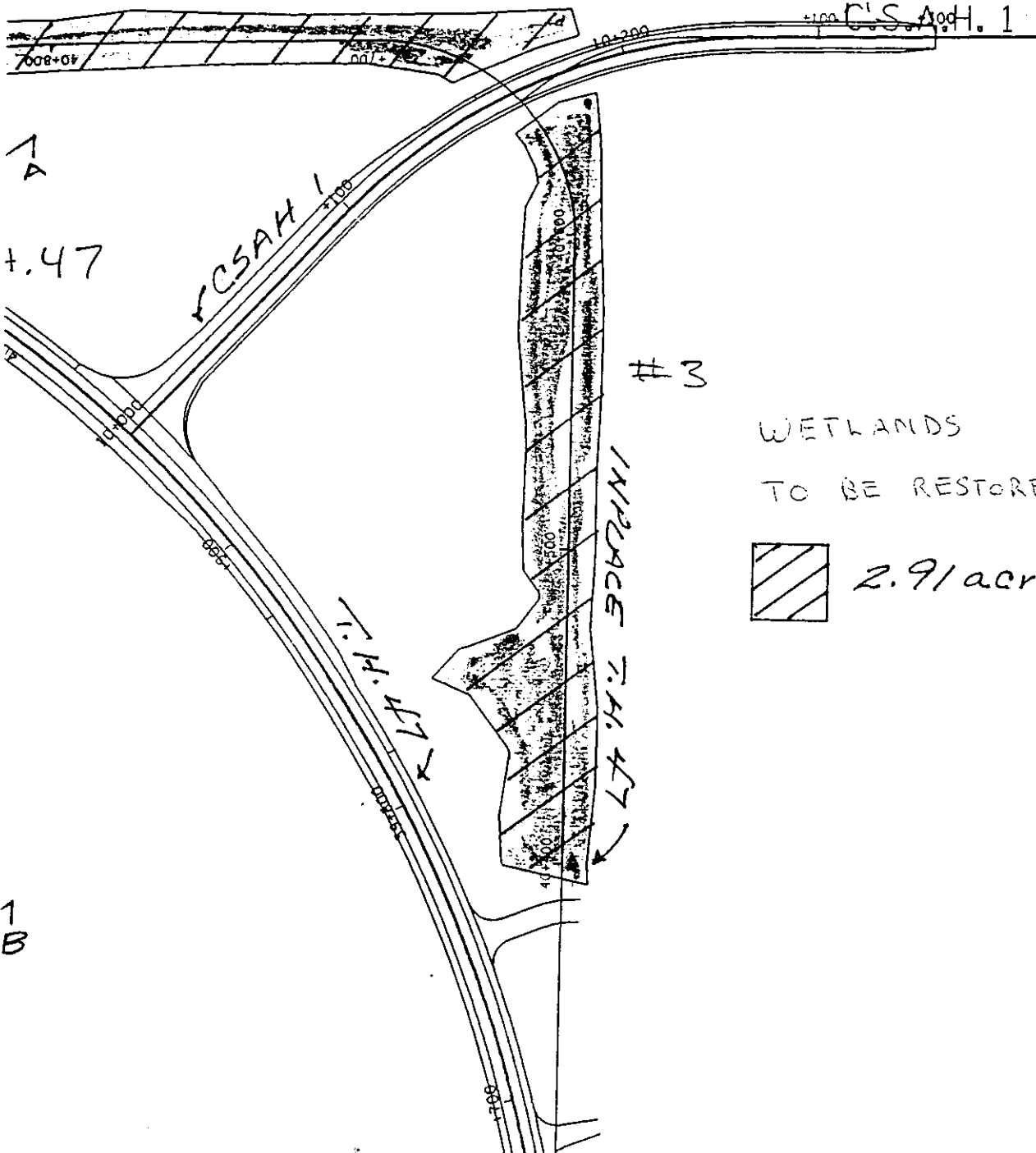


P47

#2

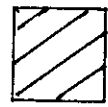
CSAH 1

C.S. App. H. 1



Scale
20' = 1

WETLANDS
TO BE RESTORED



2.91 acres

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SHEET 5 OF 5